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In re Application of  
SMITH et al.  
Application No.: 10/516,400  
PCT No.: PCT/GB03/02955  
Int. Filing Date: 08 July 2003  
Priority Date: 08 July 2002  
Attorney's Docket No.: 142.016US01  
For: Image Processing System For Use With a Patient  
Positioning Device

DECISION ON  
RENEWED REQUEST  
UNDER 37 CFR 1.497(d)

This decision is in response to applicants' renewed request under 37 CFR 1.497(d), filed 07 June 2006, to add Mr. Robert Edward Howe as an inventor. The request under 37 CFR 1.497(d) is GRANTED.

BACKGROUND

On 08 July 2003, applicants filed international application PCT/GB03/02955, claiming a priority date of 08 July 2002. The deadline for entry into the national stage in the United States was midnight on 08 January 2005.

On 01 December 2004, applicants filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the US basic national fee, the surcharge for late filing of an oath or declaration and an Application Data Sheet that did not include Mr. Robert Edward Howe as an inventor.

On 04 May 2005, the Office mailed a Notice of Missing Requirements, indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 04 November 2005, applicants filed a declaration of the inventors, a request under 37 CFR 1.497(d) to add Mr. Robert Edward Howe as an inventor and a four-month extension fee.

On 07 April 2006, the Office refused applicants' request because the written consent of the assignee to allow the addition of Mr. Robert Edward Howe as an inventor had not been provided.

On 07 June 2006, applicants filed the instant renewed request under 37 CFR 1.497(d) to add Mr. Robert Edward Howe as an inventor, a signed statement from Mr. Robert Edward Howe stating that the error in inventorship occurred without deceptive intention on his part, the consent of the assignee, a declaration signed by all inventors and a copy of the Notice of Recordation of Assignment.

### DISCUSSION

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intent on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original inventors, the written consent of the assignee. With the filing of applicants' renewed request, applicants have satisfied items (1) through (3) above.

### CONCLUSION


Applicants' renewed request under 37 CFR 1.497(d) is GRANTED.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.



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